

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Official Action dated June 16, 2005. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

Claims 2-10 and 12 are under consideration in this application.

Allowed Subject Matter

Claim 10 was allowed.

Double Patenting Rejection

Claims 2-9 and 12 were provisionally rejected under judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of the co-pending US Application No. 10/274,970.

Applicants contend that independent claims 2 and 12 of the application positively recites a limitation of “selecting base stations available for position calculation according to the position calculation information,” while independent claims 1 & 9 of the ‘970 application negatively reciting “CPU selecting radio stations to be used for position calculation by determining not to use at least one of radio stations corresponding to said same PN offset value for position calculation”. In other words, the present invention includes all available base stations for position calculation, while the ‘970 application excludes at least one base station corresponding to said same PN offset value, even if that base station is available.

In addition, claims 2 and 12 of the invention recite a distinctive limitation in the “wherein” clause that is absent from claims 1 and 9 of the ‘970 application, i.e., “ when the position calculation method control signal entered from the position calculation method controller corresponds to three or more base stations available for position calculation, the position calculation unit performs the position calculation based on trilateration; when the position calculation method control signal corresponds to two base stations available for position calculation, the position calculation unit performs the position calculation by using a two-station-based position calculation unit; and when the position calculation method control signal

corresponds to one base station available for position calculation, the position calculation unit performs the position calculation by using a one-station-based position calculation unit”.

Accordingly, the withdrawal of the outstanding double patenting rejection is in order, and is therefore respectfully solicited.

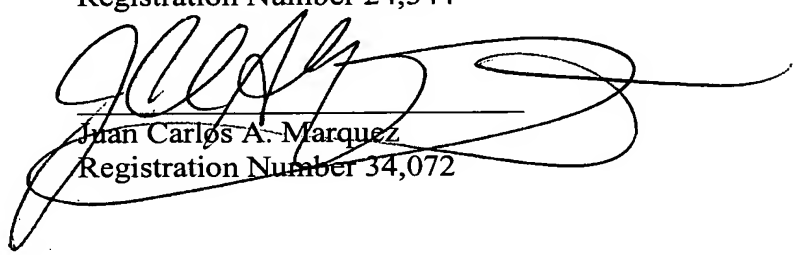
Conclusion

In view of all the above, clear and distinct differences as discussed exist between the present invention as now claimed and the prior art reference upon which the rejections in the Office Action rely, Applicant respectfully contends that the prior art references cannot anticipate the present invention or render the present invention obvious. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicant's undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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